

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TIA SAUCIER	§	PLAINTIFF
	§	
v.	§	Civil Action No. 1:04cv686HSO-RHW
	§	
	§	
COLDWELL BANKER	§	
JME REALTY, et al.	§	DEFENDANTS

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS’
RULE 50(b) RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW
OR, IN THE ALTERNATIVE, RULE 59 MOTION FOR NEW TRIAL**

This cause came on for hearing before the Court on Defendants’ Rule 50(b) Renewed Motion for Judgment as a Matter of Law or, in the Alternative, Rule 59 Motion for New Trial [108], filed on October 19, 2007. After consideration of the record, the arguments of counsel, the pleadings on file, and for the reasons more fully stated in the record at the hearing conducted in this matter on January 29, 2008, the Court finds that Defendants’ Motion should be granted in part and denied in part. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, Defendants’ Rule 50(b) Renewed Motion for Judgment as a Matter of Law [108], filed on October 19, 2007, should be and is hereby **GRANTED IN PART AND DENIED IN PART**. The Court finds that Defendants’ Rule 50(b) Renewed Motion for Judgment as a Matter of Law should be granted as to Defendant Coldwell Banker JME Realty (“JME”), and that the Judgment entered in favor of Plaintiff and against Defendant JME on October 4, 2007, should be set aside, and that all claims asserted by

Plaintiff against Defendant JME should be dismissed with prejudice. The Court also finds that Defendants' Rule 50(b) Renewed Motion for Judgment as a Matter of Law should be granted, in part, as to Defendant Clara Plummer in that the amount of the Judgment against her should be amended from \$410,000.00 to \$30,411.51. In all other respects, Defendant Clara Plummer's Motion should be denied.¹

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendants' conditional Rule 59 Motion for New Trial [108], filed on October 19, 2007, should be and is hereby conditionally **GRANTED IN PART AND DENIED IN PART**. The Court finds that it must conditionally grant Defendants' Rule 59 Motion for a New Trial as to JME. The Court conditionally grants Defendants' Rule 59 Motion for a New Trial as to Clara Plummer on the issue of damages only. In all other respects, Defendants' request for a new trial is hereby **DENIED**.

SO ORDERED AND ADJUDGED, this the 30th day of January, 2008.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE

¹The Court's amendment of the October 4, 2007, Judgment in this case is in accordance with Defendants' Rule 50(b) Renewed Motion for Judgment as a Matter of Law, not pursuant to Defendants' conditional Rule 59 Motion for New Trial. For this reason, the Court is not of the opinion that it is appropriate to give Plaintiff the option of a new trial in lieu of the reduced Judgment at this juncture of the proceedings.